

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
SOUTHERN DIVISION**

**JOE WINFREY MCLEMORE**

**PLAINTIFF**

**v.**

**CAUSE NO. 1:16CV20-LG-RHW**

**MARSHALL L. FISHER, et al.**

**DEFENDANTS**

**ORDER ADOPTING REPORT AND RECOMMENDATION**

This cause comes before the Court on the [32] Report and Recommendation of United States Magistrate Judge Robert H. Walker. On January 22, 2016, Plaintiff Joe Winfrey McLemore filed a Complaint pursuant to 42 U.S.C. § 1983 against multiple defendants alleging violations of his constitutional rights while an inmate at the South Mississippi Correction Institution. On April 12, 2016, several defendants filed a [25] Motion for Summary Judgment based on Plaintiff's purported failure to exhaust his administrative remedies. Plaintiff filed his [29] Response to the Motion on April 20, 2016, and a corresponding [30] Motion for Sanctions on April 29, 2016.

On June 29, 2016, Magistrate Judge Walker recommended that this Court grant the Motion for Summary Judgment and deny the Motion for Sanctions as moot. (*See* Report & Rec. 6, ECF No. 32). Plaintiff has not objected to any aspect of the Magistrate Judge's Report and Recommendation, and the time for doing so has now expired.

Where no party has objected to the Magistrate Judge's Report and Recommendation, the Court need not conduct a de novo review of it. *See* 28 U.S.C.

§ 636(b)(1) (“A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings and recommendations to which objection is made.”). In such cases, the Court need only review the Report and Recommendation and determine whether it is either clearly erroneous or contrary to law. *See, e.g., United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989).

Having conducted the required review, the Court is of the opinion that Magistrate Judge Walker’s Report and Recommendation is neither clearly erroneous nor contrary to law. Accordingly, the Court finds that the [32] Report and Recommendation should be adopted as the opinion of this Court.

**IT IS THEREFORE ORDERED AND ADJUDGED** that the [25] Motion for Summary Judgment is **GRANTED**, and the [30] Motion for Sanctions is **DENIED AS MOOT**.

**SO ORDERED AND ADJUDGED** this the 25<sup>th</sup> day of July, 2016.

s/ *Louis Guirola, Jr.*  
LOUIS GUIROLA, JR.  
CHIEF U.S. DISTRICT JUDGE